

## Agricultural Marketing Service, USDA

§51.1861

and Pyriforme type tomatoes commonly referred to as pear shaped tomatoes, and other similar types, size may be specified in terms of minimum diameter or minimum and maximum diameter expressed in whole inches, and not less than thirty-second inch fractions thereof, or millimeters in accordance with the facts.

(1) Tomatoes of these types are exempt from marking requirements. However, when marked to a minimum or minimum and maximum diameter, the markings on at least 85 percent of the containers in a lot must be legible.

(c) For tolerances see §51.1861.

TABLE I

Size designation	Inches	
	Minimum diameter <sup>1</sup>	Maximum diameter <sup>2</sup>
Small .....	2 <sup>4</sup> / <sub>32</sub>	2 <sup>9</sup> / <sub>32</sub>
Medium .....	2 <sup>8</sup> / <sub>32</sub>	2 <sup>17</sup> / <sub>32</sub>
Large .....	2 <sup>16</sup> / <sub>32</sub>	2 <sup>25</sup> / <sub>32</sub>
Extra large .....	2 <sup>24</sup> / <sub>32</sub>	

<sup>1</sup> Will not pass through a round opening of the designated diameter when tomato is placed with the greatest transverse diameter across the opening.

<sup>2</sup> Will pass through a round opening of the designated diameter in any position.

[56 FR 21915, May 13, 1991; 56 FR 32474, July 16, 1991]

### COLOR CLASSIFICATION

#### § 51.1860 Color classification.

(a) The following terms may be used, when specified in connection with the grade statement, in describing the color as an indication of the stage of ripeness of any lot of mature tomatoes of a red fleshed variety:

(1) *Green*. "Green" means that the surface of the tomato is completely green in color. The shade of green color may vary from light to dark;

(2) *Breakers*. "Breakers" means that there is a definite break in color from green to tannish-yellow, pink or red on not more than 10 percent of the surface;

(3) *Turning*. "Turning" means that more than 10 percent but not more than 30 percent of the surface, in the aggregate, shows a definite change in color from green to tannish-yellow, pink, red, or a combination thereof;

(4) *Pink*. "Pink" means that more than 30 percent but not more than 60

percent of the surface, in the aggregate, shows pink or red color;

(5) *Light red*. "Light red" means that more than 60 percent of the surface, in the aggregate, shows pinkish-red or red: *Provided*, That not more than 90 percent of the surface is red color; and,

(6) *Red*. "Red" means that more than 90 percent of the surface, in the aggregate, shows red color.

(b) Any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as "Mixed Color".

(c) For tolerances see §51.1861.

(d) Tomato color standards U.S.D.A. Visual Aid TM—L—1 consists of a chart containing twelve color photographs illustrating the color classification requirements, as set forth in this section. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of this visual aid may be purchased from The John Henry Co., Post Office Box 1410, Lansing, Michigan 48904.

[38 FR 23932, Sept. 5, 1973, as amended at 40 FR 2791, Jan. 16, 1975. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

### TOLERANCES

#### §51.1861 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. No. 1*—(1) *For defects at shipping point*.<sup>2</sup> Ten percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided*, That not more than one-half of this tolerance, or 5 percent, shall be allowed

<sup>2</sup>Shipping point, as used in these standards, means the point of origin of the shipment in producing area or at port of loading for ship stores or overseas shipment, or in the case of shipments from outside the continental United States, the port of entry into the United States.

for defects causing very serious damage, including therein not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further*, That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(b) *U.S. Combination*—(1) *For defects at shipping point.*<sup>2</sup> Ten percent for tomatoes in any lot which fail to meet the requirements of the U.S. No. 2 grade: *Provided*, That not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing very serious damage, including 1 percent for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements of the U.S. No. 2 grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further*, That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(c) *U.S. No. 2*—(1) *For defects at shipping point.*<sup>2</sup> Ten percent for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That not more than one-half of this tolerance, or 5 percent, shall be allowed

for defects causing very serious damage, including therein not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further*, That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by any cause, exclusive of soft or decayed tomatoes.

(d) *U.S. No. 3*—(1) *For defects at shipping point.*<sup>2</sup> Ten percent for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That not more than one-half of this tolerance, or 5 percent, shall be allowed for tomatoes which are very seriously damaged by insects and not more than one-tenth of the tolerance, or 1 percent, for tomatoes which are soft or affected by decay; and,

(2) *For defects en route or at destination.* Fifteen percent for tomatoes in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Five percent for tomatoes which are soft or affected by decay;

(ii) Ten percent for tomatoes which are very seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

(iii) Ten percent for tomatoes which are otherwise defective: *And provided further*, That not more than 5 percent shall be allowed for tomatoes which are very seriously damaged by insects.

(e) *For off size.* Ten percent for tomatoes in any lot which are smaller than the specified minimum diameter, or larger than the specified maximum diameter.

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(f) *For off color.* Ten percent for tomatoes in any lot which fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, when any term other than “Green” is specified.

### APPLICATION OF TOLERANCES

#### §51.1862 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For packages which contain more than 5 pounds (2.27 kg), and a tolerance of 10 percent or more is provided, individual packages shall have not more than 1½ times the tolerance specified, and for a tolerance of less than 10 percent individual packages shall have not more than double the tolerance specified, except that at least one defective and one off size specimen may be allowed in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade; and,

(b) For packages which contain 5 pounds (2.27 kg) or less individual packages shall have not more than 4 times the tolerance specified, except that at least one tomato which is soft, or affected by decay, and one off-size specimen may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

### STANDARD WEIGHT

#### §51.1863 Standard weight.

(a) When packages are marked to a net weight of 15 pounds (6.80 kg) or more, the net weight of the contents shall not be less than the designated net weight and shall not exceed the designated weight by more than 2 pounds (0.91 kg).

(b) In order to allow for variations incident to proper sizing, not more than 15 percent, by count, of the packages in any lot may fail to meet the requirements for standard weight.

### DEFINITIONS

#### §51.1864 Similar varietal characteristics.

*Similar varietal characteristics* means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm-fleshed, midseason or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

#### §51.1865 Mature.

*Mature* means that the tomato has reached the stage of development which will insure a proper completion of the ripening process, and that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

#### §51.1866 Soft.

*Soft* means that the tomato yields readily to slight pressure.

#### §51.1867 Clean.

*Clean* means that the tomato is practically free from dirt or other foreign material.

#### §51.1868 Well developed.

*Well developed* means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually contain open spaces below the level of the stem scar, are not considered well developed.

#### §51.1869 Fairly well formed.

*Fairly well formed* means that the tomato is not more than moderately kidney-shaped, lop-sided, elongated, angular, or otherwise moderately deformed.

#### §51.1870 Fairly smooth.

*Fairly smooth* means that the tomato is not conspicuously ridged or rough.

#### §51.1871 Damage.

*Damage* means any specific defect described in §51.1877, table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or